



**Minutes of the**  
**City Commission for the City of Traverse City**  
**Regular Meeting**  
**June 16, 2014**

A regular meeting of the City Commission of the City of Traverse City was called to order at the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan, at 7 p.m.

The following Commissioners were present, constituting a quorum: Mayor Michael Estes, Mayor Pro Tem James Carruthers, Barbara D. Budros, Jeanine Easterday, Gary L. Howe, Ross Richardson.

The following Commissioners were absent: Tim Werner

The Pledge of Allegiance was recited.

Mayor Michael Estes presided at the meeting.

As requested by Commissioner Jeanine Easterday, Agenda Item 2(k) was removed from the Consent Calendar for full discussion.

There being no objection, Mayor Michael Estes indicated he would place Agenda Item 2(k) as New Business 4(g).

**2. Consent Calendar**

Moved by Carruthers, seconded by Budros, that the following actions as recommended on the amended Consent Calendar portion of the Agenda be approved:

- a. the minutes of the June 2, 2014, Regular Meeting, June 9, 2014, Joint Study Session, June 9, 2014, Special Meeting, and June 9, 2014, Study Session, be approved.

- b. the City Manager be authorized to issue a purchase order to KM International in the amount of \$74,900 for a 2014 KM T-2-M1 Asphalt Recycler with funds approved in the 2014/2015 Vehicle Purchase / Replacement Schedule, and available in the Garage Fund.
- c. the City Clerk be authorized to issue a Liquor License Registration to Budget Luxury Inn of Traverse City Limited Partnership to operate a Resort Class C license at 420 Munson Avenue.
- d. an amendment to the Traverse City Code of Ordinances, *Transient Merchant License Application Requirements*, Section 863.06, which eliminates the requirement that transient merchants operating on private property submit a signed permission slip from the private property owner, which was introduced on June 2, 2014, be enacted with an effective date of June 26, 2014.
- e. the public interest will be best served by not obtaining competitive bids and that the Mayor and City Clerk be authorized to execute a service agreement for an amount not to exceed \$25,053 with CH2M HILL for assistance in the installation of new membrane filters at the Wastewater Treatment Plant, with funds available in the Sewer Fund, such agreement subject to approval as to its substance by the City Manager and its form by the City Attorney.
- f. the Resolution Concurring with Grand Traverse County Brownfield Plan Amendment Regarding Traverse Bay Area Credit Union (626 and 636 East Front Street), be adopted.
- g. the 2014-2015 General Insurance Program, including the purchase of a 5-year pollution liability insurance policy, as outlined in the City Clerk's June 10, 2014, communication be approved; and that the City Manager be authorized to approve payment for the Program in the total amount of \$415,580, with funds available in the various funds and departmental budgets, with Traverse City Light and Power to reimburse the City for its proportionate share of premium for the 5-year pollution liability policy.

- h. the competitive bidding process be waived; and that the City Manager be authorized to issue a confirming service order in the amount of \$17,273.47 to Elmer's for the emergency repair of a water main shear break, with funds available in the Water Fund.
- i. the City Manager be authorized to issue two blanket purchase orders: one to Elmer's in the amount of \$50,000 and one to Precision Paving in the amount of \$20,000 for asphalt with funds available in the various Street budgets.
- j. the City Manager be authorized to issue three blanket purchase orders: one to Elmer's in the amount of \$15,000, one to Concrete Service in the amount of \$15,000, and one to Cornillie Concrete in the amount of \$15,000 for concrete with funds available in the various Street budgets.
- k. Removed from the Consent Calendar.
- l. the Mayor and City Clerk execute the Letter of Agreement with the Traverse City Film Festival outlining the scope of the 2014 Traverse City Film Festival, including use of City personnel and City facilities, such agreement subject to approval as to its substance by the City Manager; and further that the City Clerk be authorized to issue the related Street Use and Park and Public Land Use Permits.
- m. the City Commission authorizes the City Clerk and other officials to execute the necessary Fireworks Display Permit to Great Lakes Fireworks, LLC, for a display on July 4, 2014, and July 12, 2014, subject to Great Lakes Fireworks executing a hold harmless agreement indemnifying the city and submitting to the City Clerk a certificate of fireworks liability insurance in the amount of \$5 million per occurrence, naming the city as additional insured.
- n. the Mayor and City Clerk execute a collective bargaining agreement with Traverse City Firefighters Association AFL-CIO (Firefighters Unit) for the period July 1, 2014, through June 30, 2016, such agreement subject to approval as to its substance by the City Manager.
- o. the competitive bidding process be waived; and that the City Manager be authorized to issue a confirming service order in the amount of \$11,579.75

to Elmer's for the emergency removal of an underground storage tank at the Woodmere Pump Station with funds available in the Garage Fund.

CARRIED unanimously. (Werner absent)

### **3. Old Business**

#### **3(a).**

Public Hearing regarding year-end budget amendments for Fiscal Year 2013-2014.

Mayor Estes opened the public hearing.

There being no one desiring to speak, Mayor Michael Estes closed the public hearing.

Moved by Budros, seconded by Richardson, that the budget amendments for Fiscal Year 2013/2014 as outlined in the City Treasurer/Finance Director's memo of June 12, 2014, be approved.

CARRIED unanimously. (Werner absent)

#### **3(b).**

Consideration of enacting an amendment to the Traverse City Code of Ordinances, Outdoor Café Regulation Clarifications and Outdoor Cafés in Designated On-Street Parking Areas which would clarify the regulations for outdoor cafés in designated on-street parking areas, as recommended by the City Commission Ad Hoc Committee Regarding Sidewalk Cafés and adopting a resolution establishing fees for cafés in on-street parking areas.

Moved by Richardson, seconded by Howe, to refer the sidewalk café ordinance to the ad hoc committee for further review particularly with respect to addressing issues regarding minimum clearance.

The following addressed the Commission:

Rick Buckhalter, 932 Kelley Street – made general comments

Jim Moore, 246 Boughey, Disability Network Executive Director – expressed support

Kathy Tucker, 141 Rivers Edge - made general comments

Rene Mitchell, 4325 Sugar Maple Drive, Blair Township - made general comments

Annie Campbell, Disability Network, 827 ½ West Front Street – made general comments

Donna Gerhard, 780 Monroe - made general comments

Lynn Morton, 2847 Princeton Drive, Garfield Township, Brickways – made general comments

Steven Chapman, 3840 Leaside Lane, East Bay Township - made general comments

CARRIED unanimously. (Werner absent)

**3(c).**

Consideration of adopting the Hickory Hills Master Plan.

The following addressed the Commission:

Jered Ottenwess, City Manager

Moved by Howe, seconded by Richardson, that the Hickory Hills Master Plan be referred to the Parks and Recreation Commission for its review and recommendation.

Rick Buckhalter, 932 Kelley Street – made general comments

Lee Bowman, 717 Woodmere Avenue – made general comments

CARRIED unanimously.

**4. New Business**

**4(a).**

Consideration of introducing an amendment to the Traverse City Code of Ordinances which would allow Emergency Shelters in the HR, C-1, C-2, C-3, D-1, D-2, D-3, H-1, H-2 and I Districts, with conditions, and modify the requirements for transitional housing, as recommended by the City Planning Commission.

The following addressed the Commission:

Russell Soyering, City Planning Director

Moved by Carruthers, seconded by Easterday, that an amendment to the Traverse City Code of Ordinances, *Emergency Shelter Definition*; Section 1320.07, Definitions; *Transitional Housing and Emergency Shelter Special Land Use Permits Regulations*, Section 1364.01, Types of Special Land Use Review; *Transitional Housing and Emergency Shelter Special Land Use Permit Review*, Section 1364.08, Special Land Use Permits Granted by the City Commission; regarding allowing Emergency shelters and establishing regulations for Emergency shelters and modifying the regulations for Transitional housing, as recommended by the Planning Commission, and *Transitional Housing and Emergency Shelter Special Districts Ordinance Amendment*, Sections 1338.02, 1340.02, 1342.02, 1344.02, 1347.02, 1356.02, and 1358.02, be introduced and scheduled for enactment on July 7, 2014.

Rick Buckhalter, 932 Kelley Street – made general comments

Peter Starkel, 1343 West Outer Drive, Long Lake Township, Safe Harbor  
Chairman – made general comments

Tom Emmott, 1702 Lincoln – made general comments

Nancy Briggs, 12850 Briar Drive, Elmwood Township - made general  
comments

Lee Bowman, 717 Woodmere – made general comments

Kathrin Anslow, 1408 North Orchard Drive, city business owner – made  
general comments

Sharon Neumann, 401 Washington Street – made general comments

John Cunningham, 145 West Twelfth Street – made general comments

Richard Kushell, 500 Webster Street – made general comments

Darcy Pickran, 916 Pine Street – made general comments

Raymond Minervini, 800 Cottageview Drive – made general comments

Timothy Grey, 144 ½ East Front Street – made general comments  
Bill Myers, 2217 Aspen Drive - expressed support  
Charlene Hunt, 10630 Timberlane Drive - made general comments  
Wendy Kozelka, 317 West Meinard Street, Leland Township - made general comments  
Ken Kleinrichert, 1235 Lake Drive , city business owner – made general comments  
Ryan Hannon, 3753 South Airport Road, Garfield Township, Safe Harbor Steering Committee Chairperson, Street Outreach Coordinator for Goodwill Industries  
Krista Bedells, 422 Washington Street – made general comments  
Jered Ottenwess, City Manager

Roll Call:

Yes - Budros, Easterday, Howe, Richardson, Carruthers.

No - Estes.

CARRIED. (Werner absent)

There being no objection, Mayor Michael Estes declared a recess.

**4(b).**

Consideration of authorizing an agreement for the provision of digital cable television services for Marina seasonal and transient boaters.

The following addressed the Commission:

Jered Ottenwess, City Manager  
Dave Green, Director of Public Services

Moved by Richardson, seconded by Howe, that the Mayor and City Clerk execute a five-year agreement with Private Cable Systems of Michigan, Inc., in the amount of \$6,714.96 annually, for the provision of television services at the Duncan L. Clinch Marina, with funds available in the Marina Fund, such agreement subject to approval as to its substance by the City Manager and its form

by the City Attorney.

Jim Sarna, 8266 Woodland Shore Drive, Brighton – made general comments  
Mike Quirk, 535 Quail Ridge Drive – made general comments  
Bill Fig, 8045 Shield Road, Dexter - made general comments

CARRIED unanimously. (Werner absent)

**4(c).**

Consideration of authorizing a blanket purchase order for fluoride for use at the Water Treatment Plant.

The following addressed the Commission:

Jered Ottenwess, City Manager

Moved by Richardson, seconded by Easterday, that the City Manager be authorized to issue a blanket purchase order to Key Chemical in the amount of \$0.249 per pound for approximately 38 tons of Hydrofluosilicic Acid in an amount not exceed \$20,000, for use by the Water Plant, with funds available in the Water Fund.

Eric Ranieri, 6390 Sugar Maple, Lake Ann – expressed support  
D. Robert Cameron, 855 Webster Street – made general comments  
Patrick Kelly, 8648 Peninsula Drive, Peninsula Township – expressed support  
Bill Williston, 1766 Indian Woods Drive – expressed opposition  
Chris Bazzett, 926 State Street – made general comments  
Dr. James Reznich, 1919 South Quail Court – made general comments  
Dr. Tom Littlefield, 3552 Lookout Point, East Bay Township – made general comments  
Dr. Kerry Kaysserian, 1742 West Silverlake Drive, Long Lake Township – made general comments  
David Koss, 2664 Chandler Road, East Bay Township – made general comments  
Ellen Fivenson, 717 Bloomfield – made general comments  
Wendy Kozelka, 317 West Meinard Street, Leland Township - made general



comments

Wendy Trute, 3593 Manchester Road, East Bay Township, Grand Traverse County Health Department Health Officer – made general comments

Jeffrey Hagg, 710 East Orchard Avenue – made general comments

Matt Annville, 14001 Campbell Road, Kewadin – expressed support

Jennifer Vanwingen, 6946 Winwood Avenue, Lake Ann – expressed support

Jen Ranieri, 6390 Sugar Maple Lane, Lake Ann – made general comments

Vincent Mack, 5220 Heritage Way, Garfield Township, Northwest Michigan Representative to Michigan Dental Association

Susan Deming, Michigan Department of Community Health, 201 Townsend, Lansing

Tom Kochheiser, 3657 Okemos Road, Okemos – made general comments

Karlene Ketola, 7215 Westshire Drive, Lansing, Michigan Oral Health Coalition

Michael Hutcheson, 3927 Village Circle Drive, East Bay Township – made general comments

Randy Day, 820 Boon Street – expressed opposition

Chad Beers, 2661 South Cherry Tree Lane, Suttons Bay – made general comments

Timothy Grey, 144 ½ East Front Street – made general comments

Tom Buss, 6046 Beverly Drive, Long Lake Township, Grand Traverse County Health Department Director of Environmental Health – made general comments

Dr. Carl Madion, 11710 Bluff Road, Peninsula Township - made general comments

Ben Hansen, 926 East State Street, Fluoride Free in TC Co-Founder – made general comments

Roll Call:

Yes - Easterday, Howe, Richardson, Estes, Budros.

No - Carruthers.

CARRIED. (Werner absent)

**4(d).**

Consideration of a request from Mayor Michael Estes for amendment to the Resolution Establishing the Human Rights Commission to allow five of the nine members of the Human Rights Commission to be non-city residents.

Moved by Easterday, seconded by Richardson, that the Resolution Establishing the Human Rights Commission (adopted June 6, 2005, amended July 6, 2009, and September 4, 2009), be amended to allow at least five of the nine members to be city residents, and up to, but no more than four of the nine members to be non-city residents, be adopted.

Roll Call:

Yes - Easterday, Estes.

No - Howe, Richardson, Carruthers, Budros.

FAILED. (Werner absent)

**4(e).**

Consideration of approving a consultant agreement for the restriping of Eighth Street from Woodmere Avenue to Lake Avenue to enhance the walking and bicycling environment, as recommended by the City Planning Commission.

The following addressed the Commission:

Jered Ottenwess, City Manager

Moved by Budros, seconded by Richardson, that the public interest be best served by not obtaining competitive bids; and that the Mayor and City Clerk execute a consultant agreement with URS for completing the work necessary to trial a three-lane cross-section re-striping of Eighth Street, as described in their cost proposal to re-stripe Eighth Street, with URS to complete Tasks 1, 3, 4, 6 and 8 at a cost not-to-exceed \$23,000 with funds available in the Capital Projects Fund, such agreement subject to approval as to its substance by the City Manager and its form by the City Attorney; and that the City Manager be authorized to implement the restriping project as developed through the consultant agreement; furthermore, that the City Manager be authorized to spend up to \$25,000 for services and materials

necessary to implement the trial including but not limited to painting, signage and traffic signal operations.

Bob Otwell, 525 Washington Street – expressed support  
Dr. Tom Auer, 6757 Franklin Woods Drive, Garfield Township, TART  
Trails Board of Directors – expressed support  
Richard Kushell, 500 Webster Street, Riverine Apartments Owner – made general comments  
Hans Benghauser, 944 South Garfield Avenue – made general comments  
Mike Coco, 325 Wellington Street – expressed support  
Peter Spaulding, 724 State Street – expressed support

CARRIED unanimously. (Werner absent)

**4(f).**

Consideration of authorizing a lease for J & S Hamburg to lease City-owned property adjacent to its building for dining purposes.

The following addressed the Commission:

Jered Ottenwess, City Manager

Moved by Howe, seconded by Richardson, that the Mayor and City Clerk execute a Lease Agreement with Northpointe J&S LLC to lease City-owned property at 300 West Front Street for placement of tables, chairs, planters and windcreens in conjunction with selling and consuming food and beverages, in the amount of \$110.00, with the lease to expire November 1, 2014, or earlier if terminated by the City, such agreement subject to approval as to its substance by the City Manager and its form by the City Attorney.

Lauren Tribble-Laucht, City Attorney  
Cindy Warner, 17850 Smokey Hollow Road, Peninsula Township, J & S  
Hamburg Owner – made general comments

CARRIED unanimously.

**4(g).**

The next item being from the Consent Calendar, “Consideration of authorizing an amendment to the Parking Services and Operation Management contract with the Downtown Development Authority, which increases compensation to the DDA for its services and provides that the DDA administer the residential parking permit program.”

Moved by Easterday, seconded by Howe, that the Mayor and City Clerk execute the fourth amendment to the Parking Services Operation and Management Contract (originally authorized June 19, 2003), with the Traverse City Downtown Development Authority (DDA), which increases the compensation paid by the City to the DDA to \$410,000 per fiscal year, and provides that the DDA administer the residential parking permit program on behalf of the City, effective July 1, 2014, such amendment subject to approval as to its substance by the City Manager and its form by the City Attorney.

CARRIED unanimously. (Werner absent)

**5. Appointments**

None.

**6. Reports and Communications**

The following were received and filed:

- a. Reports, announcements and correspondence from the City Manager.
- b. Announcements from the City Clerk.
- c. Reports, announcements and correspondence from the Mayor and City Commissioners.
- d. Reports and correspondence from other City officials, boards and committees.

1. Reports from members of the Commission serving on boards.
  2. Certification from the City Treasurer/Finance Director of the City's contribution to the Act 345 Retirement System dated May 28, 2014.
  3. Communication from the City Treasurer/Finance Director regarding unpaid delinquent water and sewer charges as of December 31, 2014.
  4. Minutes of the Act 345 Retirement System Board meeting of April 30, 2014.
- e. Reports and correspondence from non-City officials.
1. Monthly Operations Report for the Wastewater Treatment Plant for May 2014 from CH2M HILL.
  2. Fractile Emergency Response Report from North Flight for May 2014.

## **7. Public Comment**

The following addressed the Commission:

1. Reserved.  
  
Susan Deming, who had requested reserved public comment departed the meeting prior to this point in the Agenda; and therefore, this item was removed from the Agenda.
2. General.  
  
Ken Hinton, 7855 Sparling Road, Fife Lake Township, candidate for State Representative
3. Mayor and City Commissioners.

There being no objection, Mayor Michael Estes declared the meeting adjourned at 10:56 pm.

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Benjamin C. Marentette, CMC  
City Clerk

Approved: \_\_\_\_\_, \_\_\_\_\_  
(Date) (Initials)